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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,936	12/08/2005	Mache Ranginui Austin	CULLP0188US	8414
23908 7590 01/22/2009 RENNER OTTO BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE NINETEENTH FLOOR CLEVELAND, OH 44115				
EXAMINER				
PATEL, TAJASH D				
ART UNIT		PAPER NUMBER		
3765				
MAIL DATE		DELIVERY MODE		
01/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,936

Applicant(s)

AUSTIN ET AL.

Examiner

Tejash D. Patel

Art Unit

3765

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/8/08 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 5, 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kibbee (US 6,182,288). Kibbee discloses a clothing article/vest (10a) including at least one rear portion being separate from but attachable to at least one front portion by a strap (34) having at least one attachment means of hook and loop material as shown in figure 1. Additionally, a belt (50a) is attached to a lower portion of the clothing article as shown in figures 1 and 1a. The vest defines separate left and right front portions connected by releasable attachment (24) with each having a shoulder and a waist portion as shown in figure 1. Also, the strap is provided on each left and right front side portions that is releasably attachable to respective sides of the back portions which is a unitary portion as shown in figure 1a.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kibbee in view of Puco et al. (US 5,909,802). Kibbee discloses the invention as set forth above except for showing a harness associated with a lumbar support belt and having a hydration system.

Puco et al. (hereinafter Puco) discloses a vest (10) including a harness (48) associated with a lumbar support belt (50) that includes an attachment buckle means and has pockets (100) as shown in figure 1.

It would have been obvious to one skilled in the art at the time the invention was made to provide the vest of Kibbee with a harness associated with a lumbar support belt as taught by Puco so that weight carried by the vest is uniformly distributed or depending on the end use thereof.

Further, it is obvious that the vest of Kibbee is provided with a pocket as taught by Puco that is capable of holding a water bottle/hydration system, etc as required for a particular application or end use thereof.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kibbee in view of Puco et al. (US 5,909,802). With regard to claim 2, the vest of Kibbee can be made of desired material suited for desired applications and environments or depending on the end use thereof.

Allowable Subject Matter

6. Claims 4-5 and 11-12 are allowable because the prior art does not teach or suggest the recitation therein including a vest having an attachment device with a angled spring plate which is removable from a bore of a locking portion attached to the vest.

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The examiner's supervisor can be reached at (571) 272-4996. The fax phone number for this group is (571) 273-8300.

January 14, 2009

/Tejash Patel/

Primary Examiner